REMARKS

The present application was filed on March 19, 1999 with claims 1-26. Claims 1, 12, 25 and 26 are the independent claims.

In the Office Action dated May 24, 2002, the Examiner: (i) rejected claims 25 and 26 under 35 U.S.C. §112, first paragraph; and (ii) rejected claims 1-26 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,272,148 to Takagi et al. (hereinafter "Takagi").

In this response, the rejection to claim 25 under §112 is respectfully traversed, claim 26 is amended in a manner which is believed to overcome the rejection under §112, and the rejection to claims 1-26 is respectfully traversed.

Applicants respectfully traverse the rejection of claim 25 under 35 U.S.C. §112. The Examiner in this rejection argues that independent claim 25, by virtue of the recitation of a single element in the form of "a system terminal operative to receive command symbols from a system switch," is a single element means claim. Applicants respectfully disagree for at least two reasons.

First, the claim at issue does not use the specific word "means." Although this fact may not be entirely dispositive on the issue, it is probative. For example, the Examiner cites In re Hyatt, 218 USPQ 195 (Fed. Cir. 1983) in support of the rejection. However, In re Hyatt deals with a claim that does include an explicit means recitation.

Second, claim 25 recites <u>a system terminal operative to receive command symbols from a system switch</u>. A system terminal is itself a well-defined apparatus, and the system switch defines additional structure within the claim. Thus, it is believed that claim 25 is not susceptible to an undue breadth rejection, since it cannot be construed to include every conceivable structure for achieving a stated property, as would an improper single element means recitation.

In view of the above remarks, the rejection under §112, first paragraph, is believed to be improper, and should be withdrawn.

With regard to the rejection of claims 1-26 under 35 U.S.C. §102(e) as being anticipated by Takagi, Applicants submit herewith an affidavit under 37 C.F.R. §1.131. The affidavit is signed by Albert D. Baker and James C. Liu, the named inventors on the present application. The affidavit, along with the exhibits attached thereto, evidences the conception of an invention falling within the claims of the present invention prior to the September 22, 1998 effective filing date of the Takagi
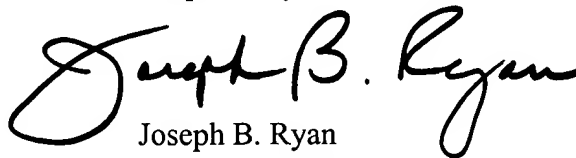
3

reference. The affidavit further evidences due diligence toward the filing of an application. Applicants believe that the claims of the Takagi reference and the present application are not directed to the same invention and are not obvious variants. Applicants are therefore entitled to overcome the §102(e) rejection using an affidavit under 37 C.F.R. §1.131, in accordance with MPEP §715.

For at least the above reasons, Applicants respectfully submit that claims 1-26 are patentable over Takagi. Accordingly, withdrawal of the rejection of claims 1-26 under §102(e) is therefore respectfully requested.

It is believed that the claims of the application as now presented, i.e., claims 1-26, are patentably distinct over the art of record and are in condition for allowance. In the event that the Examiner believes that a telephone conference or a personal interview may facilitate resolution of any remaining matters, the undersigned may be contacted at the number indicated below. In view of the foregoing amendment and remarks, early and favorable reconsideration of this application is respectfully requested.

Attached hereto is a marked up version of the changes made by the present amendment. The attached pages are captioned "Version with Markings to Show Changes Made."

Respectfully submitted,

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4

IN THE SPECIFICATION

The paragraph beginning at page 5, line 10, has been amended as follows:

The switch 110 in this example further includes four port cards 120A, 120B, 120C and 120D. Port card 120A is coupled to a wireless base station 121 which communicates with a first wireless terminal (WT) 122 designated WT1 and a second wireless terminal 123 designated WT2. The terminal WT1 may be a mobile telephone, and the terminal WT2 may be a wireless deskset. Port card 120B is connected to a broadband wireless base station, e.g., a National Information Infrastructure (NII) wireless base station 124, which communicates with a wireless personal computer (WPC) 125. Port card 120C is connected to a wired deskset (DS) 126. Port card 120D is connected to an advanced terminal (AT) 127, which may be, for example, a video telephone operating in accordance with the H.320 standard. It should be noted that the switch 110 may include additional port cards, and may be connected to other types and arrangements of user terminals. The switch 110 is also connected to an administrator terminal 128 which may <u>be</u> used to program the operation of the switch 110 during a system administration, e.g., an initial set-up and configuration of the system or a subsequent system-level or user-level reconfiguration.

IN THE CLAIMS

The claims were amended as follows:

26.   (Amended) An article of manufacture comprising:

a machine-readable storage medium storing one or more programs for implementing a method of controlling a terminal in a communication system, <u>wherein the one or more programs when executed implement the steps of:</u>

[wherein the one or more programs when executed generate] <u>generating</u> command symbols, each of at least a subset of the command symbols representative of a plurality of commands in accordance with a terminal protocol supported by a switch of the system[, such that a given one of the symbols, when transmitted to a terminal having a valid command space which is less than a full command space of the terminal protocol, directs]<u>; and</u>

directing [the] a terminal having a valid command space which is less than a full command space of the terminal protocol, via a given one of the symbols, to execute the corresponding plurality of commands.